

The Sun

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If our friends who favor us with manuscripts for publication wish to have their articles returned, they must in all cases send stamps for that purpose.

The Executive and the Judiciary.

When Governor ODELL abandoned his project for appointing County Judges to hold terms of the Supreme Court in this city, it was asserted by his friends that he had no personal interest in the scheme, since it could not become effective until after the expiration of his present term as Governor.

Meantime, however, a plan to give him absolute control of the designation of all out-of-town Supreme Court Judges who hold court in New York and Brooklyn, is being quietly pushed through the Legislature.

As we have already pointed out, the Court of Appeals has expressly decided that such Judges may sit here at the invitation of the Appellate Division, and that it is quite proper for the Appellate Division to invite them to do so.

Under a special statute, such Judges have hitherto been paid twenty dollars a day, while serving here, on account of the increased expense involved in living in the city. The Governor proposes to have this law changed so that they cannot get this twenty dollars a day without his fiat. He wants the existing statute amended, to read thus:

"Whenever a non-resident Justice shall be assigned by the Governor to any duty in the First Judicial district, other than in the Appellate Division, he shall be paid by the city of New York twenty dollars a day for every day he shall perform such judicial duties, including the time necessarily devoted to the examination and decision of cases heard by him in said district, but in no other case."

No adequate reason can be assigned for this change. It cannot be justified and it ought not to be made.

The Tax on Loans.

The matter of the internal revenue tax upon stocks deposited as collateral security for money loaned appears, after the developments of yesterday, to be in a somewhat anomalous position. On Wednesday Col. F. G. THOMPSON, the local internal revenue agent, announced that he had received instructions from the Commissioner of Internal Revenue in Washington to the effect that all certificates of stock deposited as collateral in the manner indicated must be stamped at the rate of 2 cents per \$100 of par value. The office of Internal Revenue Agent occupied by Mr. THOMPSON is entirely separate and distinct from that of Mr. CHARLES H. TREAT, Collector of Internal Revenue for this district. It is Mr. THOMPSON's duty to look out for violations of the law, and to gather evidence upon which the Collector or the Commissioner of Internal Revenue himself acts. The fiscal portion of the internal revenue duties is performed by the Collector, while the Internal Revenue Agent makes the necessary inspections.

Collector TREAT declared yesterday that he had not received any instructions from Mr. YERKES, the Commissioner of Internal Revenue, although there is no dispute that Mr. YERKES did inform Col. THOMPSON that the tax was collected. Indeed, it is difficult to see how Mr. YERKES could have written differently than he did, for the legality of the tax has already been passed upon by the Attorney-General.

We understand that a committee of officers of the New York Stock Exchange will wait upon Commissioner YERKES in Washington to-day, and endeavor to secure some sort of *modus vivendi* whereby the operation of the law can be held in abeyance until it is finally repealed, which will, of course, take place in a few months. We hope that good will come of this effort, although it is hard to see how the Commissioner of Internal Revenue, or any officer of the Government, can "hold up" a Federal statute. It is, however, of the utmost importance that Commissioner YERKES should define his position in the matter clearly, and that business people should be left to make up their minds as to the course for them to pursue under the law from varying opinions expressed by Mr. YERKES's subordinates in this city.

What is of more importance, however, is that Congress should immediately repeal the obnoxious clauses of the internal revenue law without waiting for the general repeal of all the war taxes, and should also pass an act exempting from all pecuniary liability those who have unwittingly violated the law in the past. This is the only way in which the matter can be finally and definitely settled.

Tammany.

The new rules of the Tammany Hall General Committee, adopted at its meeting on Thursday evening for its government during the year 1902, provide for a change in the voting rights of the members of the Executive Committee by which the entire responsibility for the acts of the committee will fall on the shoulders of the members elected to it from the Assembly District General Committees, and known popularly as the District Leaders. Under the new rules there will be forty votes in the Executive Committee. Thirty-seven of them will be cast by the aforesaid leaders. Two will be cast by elective officers of the County General Committee, chosen by ballot. The other will be cast by the chairman of the Finance Committee, appointed by the President of the County

General Committee. It is almost inconceivable that there should arise a situation in which the elective members of the committee would be so divided among themselves that the deciding vote would be that of the one appointive member of the committee.

Under the rules in force last year and for many years before, the chairman and vice-chairman of the Law Committee, the chairman of the Committee on Printing, the chairman of the Committee on Resolutions and Correspondence, all of the members of the committee of Municipal Affairs and the chairman of the Committee on Election Officers were voting members of the Executive Committee. In 1901 these members numbered twenty, for the chairman of the Committee on Election Officers was a district leader, and so had but one vote, though he was twice a member of the committee. It will be seen that twenty-one votes in the Executive Committee last year were cast by men who had not been authorized by the enrolled voters to represent them, but were selected by the man who controlled the President of the General Committee by whom they were appointed. The President of the General Committee then as now was GEORGE M. VAN HORNEN, and he never moved without consulting RICHARD CROKER, leader of the organization and chairman of the Finance Committee. It is plain therefore that Mr. CROKER controlled one-third of the committee, regardless of the number of district leaders who might be his friends.

Mr. CROKER arranged before he left this country that the membership in the Committee on Municipal Affairs, and on the Law Committee should be largely increased. He also directed that every member of the Committee on Law should have a vote in the Executive Committee, if the statements of his friends may be believed. He so arranged the membership of the Executive Committee that the members representing Assembly districts would have been in an actual minority, and would have been unable to control the committee though they had voted solidly against the members owing their seats to appointment. The reason for such a division of power in the Executive Committee is not far to seek. Mr. CROKER believed that some, if not all of the district leaders would be opposed to him after the next primaries, and he thought that he could continue his control of the Executive Committee, which shapes the policy of the General Committee, by having a majority of its members men who owed their membership to him.

This plan was knocked in the head when the Committee on Rules reported and secured the adoption of their report limiting the right to vote in the Executive Committee. The voting members of that committee are to-day men who owe their election to the enrolled voters in the Democratic party in their districts, and who can be displaced by those voters. Most of these leaders are to-day loyal to Mr. CROKER. But the September primaries may turn them all out.

Where then is Tammany? It is further from RICHARD CROKER than it was, and nearer to JAMES J. MARTIN.

The Treaty Between England and Japan.

The treaty just concluded between the British Foreign Office and the Tokio Government, the text of which we published on Wednesday, is an international document of capital importance. It promises to shape the history of the Far East for five years to come, and its effects are likely to be felt for generations. It should meet with the approval of the United States, because it cannot but prove conducive to the maintenance of the "open door" and to the preservation of China and Korea from any further violation of their territorial integrity. It is a notification to Russia that she will be permitted to wring from China only such concessions in Manchuria as shall have been sanctioned beforehand by Great Britain and Japan, and that if, for the fulfillment of her designs upon Manchuria and Korea, she should decide to fight the Mikado, she will have to do so single-handed, without any naval assistance from France or Germany. If, during the next five years, the term of this treaty, France or Germany should send a squadron to Russia's aid, England has bound herself to throw her colossal fleet into the scale on the side of Japan.

The first article of the treaty, while, of course, disclaiming any aggressive tendencies on the part of either of the signatory Powers, practically gives Japan a free hand in Korea, and England a free hand in Manchuria. No other deduction can be drawn from the provision which gives to each of the signatory Powers the right to intervene in the regions named at its discretion: "The high contracting parties recognize that it will be inadvisable for either of them to take such measures as may be indispensable in order to safeguard its interests, if these are threatened either by the aggressive action of any other Power or by any disturbance arising in China or Korea and necessitating the intervention of either of the high contracting parties for the protection of the lives or property of its subjects." To appreciate what this right of intervening in Korea at discretion means to Japan, we need but to recall that Russia has already encroached upon the northern frontier of the Hermit Kingdom; that she has tried to gain from the Seoul Government the cession of an ice-free port at the southeastern end of the peninsula, and that in divers ways she has endeavored to thwart the progress of Japan toward commercial ascendancy in Korean territory. What importance the right to intervene in Manchuria may have for both Great Britain and Japan will be evident when we bear in mind the actual and prospective volume of Manchurian trade, and the value of mining, railway and banking privileges in the three Manchurian provinces.

It is by the second and third articles of the treaty that Russia is warned that, should she engage in a war with Japan, the war would have to be a duel, because she should obtain aid from France or

Germany, counter-assistance would be given to Japan by Great Britain. That part of the treaty which bears on this point runs as follows: "Article II.—If either Great Britain or Japan in defense of their respective interests as above described should become involved in war with another Power, the other high contracting party will maintain strict neutrality and use its efforts to prevent other Powers from joining in hostilities against its ally. Article III.—If in the above event any other Power or Powers should join in hostilities against that ally, the other high contracting party will come to its assistance and conduct the war in common and make peace in mutual agreement with it."

The significance of the two articles just quoted will be made clear when we point out that in the opinion not only of Japanese but of intelligent onlookers Japan at the present time would prove more than a match for Russia in the Far East, provided Russia were confined to the military and naval resources which she now has or could quickly make accessible in that quarter. The Trans-Siberian Railway is not yet completed even to Vladivostok, much less to Port Arthur; throughout the greater part of the line that is finished there is but a single track, and the roadbed is wretched. The railway, consequently, would prove of but little value for military purposes. As for the bases of Russia's sea power in the Far East, one of her naval stations, Vladivostok, is closed by ice during a large part of the year, and the direct maritime route from it to the other station, Port Arthur, is flanked by Japan. In a word, should the Czar now venture to throw down the gauntlet to the Mikado the result would probably be the definite arrest of Russia's eastward progress for a long time to come.

"Better late than never," is, no doubt, the comment made by Tokio's statesmen on Great Britain's assent to the present treaty. Had a similarly friendly stand been taken by the British Foreign Office eight years ago when Lord ROSEBURY was Prime Minister the war between Japan and China would have had a very different ending, and Russia would never have been suffered to acquire the Liau-Tung Peninsula.

Curiosities of the Federal Building Boom.

As we have already ascertained by careful count, the Federal building bills introduced since the beginning of the present session of Congress appropriate between sixty and sixty-one millions of dollars. Some of these bills are meritorious. Some are positively demanded by the needs of public business. All are equally defensible from the point of view of local pride and expectations of future growth. For example, when Congress has voted, let us say, a one-hundred-thousand-dollar post office to Americus, Georgia, it is difficult to construct a reasonable argument against making a similar appropriation for the benefit of Pekin, Illinois, providing the money in the Treasury holds out. And so on through the multitudinous list of towns equal in population and importance to Americus and Pekin.

That is why there is reason for regarding with anxiety the happy-go-lucky fashion in which the Senate is now taking up these bills by unanimous consent, passing them at the personal request of the Senator interested, and sending them over to the House to be preferred claimants in the scramble that is bound to occur in that body later on. It is the Senate which is taking the lead this year in the distribution of Federal buildings. It has already passed bills carrying appropriations amounting to between nine and ten million dollars; that is to say, without a single word of questioning, or a single moment of examination and inquiry, the Senate has good-naturedly and unperfunctorily given its assent to the appropriation of nearly one-sixth of the \$60,000,000 involved in the pending bills of this class.

Where is the line to be drawn? To what conservative influence is the Treasury to look for protection against an inordinate draft upon the surplus for an expenditure to which there is practically no limit? The River and Harbor business is nothing to it. Ten times \$60,000,000 would not meet the demands for Federal buildings throughout the Union, if it should come to be understood that every bill was bound to fetch its building.

Among the measures already before Congress there are some which illustrate the peculiarities of the situation. The Senate has passed a \$150,000 bill for Greenville, Tennessee, a village which in 1890 had 1,779 inhabitants; and a \$70,000 bill for Bluefield, West Virginia, which the Eleventh Census credits with a population of 1,775. In the subjoined list the cost of the building for which application is made is contrasted with the number of inhabitants. The figures being in all cases those of 1890, in the absence of later statistics readily available, some allowance must be made for increase of population:

	Appropriation	Population, 1890.
Vincennes, Ind.	\$300,000	8,903
Spokane, W. T.	200,000	8,544
Great Falls, Mont.	200,000	8,379
Washington, Pa.	150,000	7,078
Grand Forks, N. D.	150,000	6,509
Paris, Ky.	150,000	4,218
London, Ky.	150,000	4,119
Bureka, Cal.	150,000	4,058
Mayville, Ky.	100,000	5,538
Cynthiana, Ky.	100,000	8,018
Kankakee, Ill.	100,000	9,025
Cincinnati, Va.	125,000	8,629
San Angelo, Cal.	100,000	2,415
Hutchinson, Kan.	100,000	8,862
Paris, Tenn.	100,000	1,917
Gainesville, Fla.	125,000	8,152
Calais, Me.	100,000	7,260
Rockhill, S. C.	100,000	2,744
Grand Island, Neb.	125,000	7,580
Florence, S. C.	100,000	8,365
Nevada, Mo.	100,000	7,262
Norfolk, Neb.	75,000	8,028
York, Neb.	75,000	8,408
Crookston, Minn.	75,000	8,970
Hardstown, Ky.	50,000	1,524
Buasi, Miss.	75,000	8,234

The bills here exhibited form only about one-tenth of those now waiting

for action by the Senate and House of the Fifty-seventh Congress.

To Tax Posters.

The American Scenic and Historic Preservation Society, of which the Hon. ANDREW H. GREEN is President, is endeavoring to achieve a very desirable result through Assemblyman LANDON's bill to tax posters. The tax proposed is one cent for every two square feet of surface of every publicly displayed poster, excepting legal notices and signs indicating the business conducted on the land where they stand.

Advertisements signs of one kind or another disfigure city and country alike, and they are offensive to the eye and to the sense of the natural and beautiful. If they could be made less offensive it would be well; and that is the purpose of the bill in question.

The general public is entitled to be considered in the matter of signs appears from the fact that signs are put up for the public to see. They are intended to draw public attention, and to distract it from things surrounding them. It cannot be said that the Landon bill, which intends to regulate them, is a mere invasion of private rights. It should be passed.

The Navy. The trouble with Mr. CARNEGIE's argument before the Authors Club on Thursday against enlarging the navy, namely, that no country will dare to make war with us because of its trade with us, is that it is too academic. It deals with pure reason only, and a cold and dead kind of reason, which has never yet controlled the making of war. The country living by it, would probably soon die.

A strong navy never was so desirable to the United States as it is to-day.

Possibly some statesman of the stature of the school may fall upon the Hon. HENRY CABOT LODGE of Massachusetts for having devised the phrase "which we pledge ourselves to promote," in the Republican plank of 1896. Former Senator CHANDLER has awarded to him the prize he offered for the unknown author and Mr. CHANDLER knows, because his investigation of the question has lasted nearly six years, and has been exhaustive. Mr. LODGE won't suffer. The phrase quoted referred to the international conference which the platform of the Republican party for the maintenance of the gold standard, said was the only body that could properly consider further coinage of silver. It may be that Senator LODGE's critics knew more than he did of the silver rage in the Republican party at the critical time of McKinley's first election, but we doubt it. Anyway, all's well that ends well.

The pages in the House of Representatives have appeared with badges, to show what their official relation with the lower house of the National Legislature is, and the fact is not good that the House is now wondering why they were not so labeled earlier, and thinking whether it wouldn't be a good thing to put badges or uniforms on the messengers and doorknockers.

It would be a good thing. Any one who has been in the chambers of foreign legislatures must have compared unfavorably our system of ununiform, undistinguishable doorknockers, with that used abroad, and regretted that the House of Congress was not guarded as impressively as those of foreign legislative bodies. It would not be necessary to put the doorknockers of Congress into the dress suits, knee breeches and gold chains of those who keep the British Parliament, but a neat uniform that should show what the officials were would be easy to devise, and add dignity to the surroundings of our lawmakers.

SUNDAY LIQUOR.

Dr. Funk Presents a Note Recently Received From Ex-Commissioner Roosevelt.

TO THE EDITOR OF THE SUN:—Sir: I have the honor to acknowledge the receipt of your letter of the 12th inst. in reply to Dr. Parkhurst's said: "Those who realize that Mr. Roosevelt, when in full control of the situation, could only prevent the result you complain of for three Sundays, though using the entire power of the police force for that object to the neglect of all other laws, etc.," and that in your decision of the highest truth of this statement was questioned. I wrote to President Roosevelt asking him whether, in anything that he had ever said, he intended to convey a meaning of this kind, and whether the statement is true in fact. In reply I received the following from his private secretary:

WHITE HOUSE, WASHINGTON, Feb. 6, 1902.

MY DEAR SIR: Replying to your letter of the 21st ult. the President requests me to state that he not only never used the expression quoted, but nothing remotely resembling it, but that it is wholly without foundation in fact. Very truly yours,

GEORGE B. CORCORAN.

When Mr. Schleren was Mayor of Brooklyn, his Commissioner of Police, Mr. Wells, said to me and other members of a protesting committee from the Exile League: "Gentlemen, if we enforce these Sunday laws the only way to get the party out of the city is to force them to take the oath of fidelity to oaths of office and to conscience in the administration of civil affairs. In reform politics, as elsewhere, a man may barter his conscience and, in the end, lose it. The only way to get the party out of the city is to force them to take the oath of fidelity to oaths of office and to conscience in the administration of civil affairs. In reform politics, as elsewhere, a man may barter his conscience and, in the end, lose it. The only way to get the party out of the city is to force them to take the oath of fidelity to oaths of office and to conscience in the administration of civil affairs. In reform politics, as elsewhere, a man may barter his conscience and, in the end, lose it. 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